

Reissue Patent
Docket No.: TER003RA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Robert J. Brockway

Title: COMPACTOR WHEEL AXLE
GUARD SYSTEM

Original Patent No.: 5,769,507

Original Issue Date: June 23, 1998

INVENTOR'S SECOND SUPPLEMENTAL REISSUE DECLARATION

Commissioner for Patents
Washington, D.C. 20231

I, Robert J. Brockway, hereby declare that:

1. I am a citizen of the United States of America, residing in the City of Plymouth, County of Sheboygan, and the State of Wisconsin.
2. I believe that I am the original, first, and sole inventor of the invention or discovery in COMPACTOR WHEEL AXLE GUARD SYSTEM described and claimed in United States Letters Patent No. 5,769,507, issued June 23, 1998, and in the above-identified application, for which I solicit a reissue patent; and I do not believe that this invention was ever known or used in the United States of America before my invention or discovery thereof.
3. I have reviewed and understand the contents of the specification of the above-identified application, including the claims, as amended by any amendment specifically referred to herein, including the amendment filed in response to the Final Office Action mailed November 5, 2002 and all preceding amendments that have been filed in this case.
4. I acknowledge my duty to disclose to the Patent and Trademark Office all information known to me to be material to the examination of the application.
5. I believe the original United States Letters Patent No. 5,769,507 to be partly inoperative for the reason that I claimed less in the patent than I had a right to claim.

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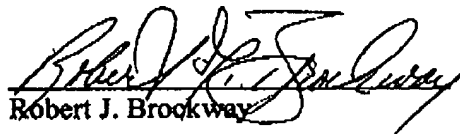
6. The error which renders the patent partially inoperative arose from inadvertence, accident or mistake, without any fraudulent or deceptive intention on my part.

7. Every error in the patent which was corrected in the present reissue application, and which is not covered by the prior oath submitted in this application, arose without any deceptive intention on my part.

8. Each of claims 1-5 originally required that the axle guard system comprise a cleat-free area that extends widthwise from the inner edge "at least about the width of one of said cleats." At least one error being relied upon as the basis for reissue is that this recitation of the cleat-free area is too narrow. The cleat-free area of my invention is wide enough that refuse, like cable, rope and wire, is less likely to be directed toward and end up wrapped around the axle of the compaction machine on which the wheel is mounted.

9. Each of claims 13 and 20 originally required that the axle guard system comprise at least one circumferential barrier mounted on a cleat-free area that extends widthwise from the inner edge "at least about the width of one of said cleats." At least one other error being relied upon as the basis for reissue is that this recitation of the axle guard system is too narrow. The axle guard system of my invention comprises at least one circumferential barrier mounted on a cleat-free area that extends widthwise from the inner edge a distance.

10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Robert J. Brookway

3-6-03
Date